

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-01930-ABJ**

STOP GEOENGINEERING MINNESOTA v. U.S.  
**DEPARTMENT OF COMMERCE**  
Assigned to: Judge Amy Berman Jackson  
Referred to: Magistrate Judge Deborah A. Robinson  
(Settlement)  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/21/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**STOP GEOENGINEERING  
MINNESOTA**  
*a project of the non-profit Minnesota  
Natural Health Coalition, a non-profit  
corporation*

represented by **David Alan Bahr**  
BAHR LAW OFFICES, P.C.  
1035 1/2 Monroe Street  
Eugene, OR 97402  
(541) 556-6439  
Email: [davebahr@mindspring.com](mailto:davebahr@mindspring.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Brian Gaffney**  
LAW OFFICES OF BRIAN GAFFNEY,  
P.C.  
446 Old Country Road  
Suite 100-310  
Pacifica, CA 94044  
(650) 219-3187  
Fax: (650) 733-7793  
Email: [brian@gaffneylegal.com](mailto:brian@gaffneylegal.com)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. DEPARTMENT OF  
COMMERCE**  
*an agency of the United States of America*

represented by **William Mark Nebeker**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2536  
Fax: (202) 252-2599  
Email: [mark.nebeker@usdoj.gov](mailto:mark.nebeker@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Alexander Daniel Shoaibi**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2511  
Fax: (202) 252-2599  
Email: [alexander.d.shoaibi@usdoj.gov](mailto:alexander.d.shoaibi@usdoj.gov)  
**TERMINATED: 08/14/2018**

Date Filed	#	Docket Text
------------	---	-------------

09/21/2017	<u>1</u>	COMPLAINT against U.S. Department of Commerce, ( Filing fee \$ 400 receipt number 0090-5126414) filed by Stop Geoengineering Minnesota, a project of the non-profit Minnesota Natural Health Coalition. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for DOC (proposed), # <u>3</u> Summons for Attorney General (proposed), # <u>4</u> Summons for US Attorney (proposed))(Bahr, David) (Entered: 09/21/2017)
09/21/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by Stop Geoengineering Minnesota, a project of the non-profit Minnesota Natural Health Coalition (Bahr, David) (Entered: 09/21/2017)
09/21/2017	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Brian Gaffney, :Firm- Law Offices of Brian Gaffney APC, :Address- 446 Old County Road, Suite 100-310 Pacifica, CA 94044. Phone No. - (650) 219 3187. Fax No. - N/A Filing fee \$ 100, receipt number 0090-5126650. Fee Status: Fee Paid. by Stop Geoengineering Minnesota, a project of the non-profit Minnesota Natural Health Coalition (Attachments: # <u>1</u> Declaration Declaration of Brian Gaffney in Support of Motion to Appear Pro Hac Vice, # <u>2</u> Text of Proposed Order Din Support of Motion to Appear Pro Hac Vice)(Bahr, David) (Entered: 09/21/2017)
09/22/2017		Case Assigned to Judge Amy Berman Jackson. (zsb) (Entered: 09/22/2017)
09/22/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 09/22/2017)
09/22/2017		MINUTE ORDER granting <u>3</u> Motion for Leave of Brian Gaffney to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 9/22/17. (DMK) (Entered: 09/22/2017)
11/07/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 10/12/2017. Answer due for ALL FEDERAL DEFENDANTS by 11/11/2017. (Gaffney, Brian) (Entered: 11/07/2017)
11/07/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 10/12/2017. (Gaffney, Brian) (Entered: 11/07/2017)
11/09/2017	<u>7</u>	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of U.S. DEPARTMENT OF COMMERCE (Shoaibi, Alexander) (Entered: 11/09/2017)
11/09/2017	<u>8</u>	Joint MOTION for Extension of Time to <i>File Answer And Establishing The Deadline For Agency FOIA Response</i> by STOP GEOENGINEERING MINNESOTA (Gaffney, Brian) (Entered: 11/09/2017)
11/13/2017		MINUTE ORDER. The Court grants the parties' joint motion to extend the time for defendant to answer and establish the following schedule: By November 29, 2017, the agency shall: (i) complete its search for documents and information responsive to the FOIA Request; (ii) release to plaintiff all non-exempt records responsive to the FOIA Request; and (iii) provide plaintiff with a list of any responsive records that are being withheld and the basis for the withholding. By December 20, 2017, the parties shall confer regarding the release of records responsive to the FOIA Request. By January 12, 2018, the parties shall submit a joint status report, which should include a proposed schedule for further proceedings, including a proposed deadline for filing an answer, if necessary. Signed by Judge Amy Berman Jackson on 11/13/2017. (lcabj3) Modified on 11/13/2017 (tb). (Entered: 11/13/2017)
11/30/2017	<u>9</u>	Consent MOTION to Modify <i>Production Schedule</i> by U.S. DEPARTMENT OF COMMERCE (Shoaibi, Alexander) (Entered: 11/30/2017)
12/04/2017		MINUTE ORDER granting <u>9</u> defendant's consent motion to modify the production schedule in this FOIA case. Defendant shall release to plaintiff all non-exempt records responsive to the FOIA Request and shall provide plaintiff with a list of any responsive records that are being withheld and the basis for the withholding by December 4, 2017. The parties shall confer regarding the release of records responsive to the FOIA Request by December 22, 2017. Signed by Judge Amy Berman Jackson

		on 12/04/2017. (lcabj3) (Entered: 12/04/2017)
01/12/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Shoaibi, Alexander) (Entered: 01/12/2018)
01/12/2018		MINUTE ORDER. The parties shall file an updated joint status report by February 26, 2018, which should include a proposed schedule for further proceedings if necessary. Signed by Judge Amy Berman Jackson on 01/12/2018. (lcabj3) (Entered: 01/12/2018)
02/26/2018	<u>11</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Shoaibi, Alexander) (Entered: 02/26/2018)
02/27/2018		MINUTE ORDER. The parties must submit a joint status report by March 16, 2018, proposing a schedule by which defendant will produce the records it has identified as responsive to plaintiff's request. Signed by Judge Amy Berman Jackson on 02/27/2018. (lcabj3) (Entered: 02/27/2018)
03/15/2018	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Shoaibi, Alexander) (Entered: 03/15/2018)
03/16/2018		MINUTE ORDER. The parties must submit a joint status report by April 16, 2018. Signed by Judge Amy Berman Jackson on 03/16/2018. (lcabj3) (Entered: 03/16/2018)
04/16/2018	<u>13</u>	Joint STATUS REPORT by STOP GEOENGINEERING MINNESOTA. (Gaffney, Brian) (Entered: 04/16/2018)
04/17/2018		MINUTE ORDER. Upon consideration of the parties' Joint Status Report, it is hereby ORDERED that: defendant must process 1,400 potentially responsive documents each month, and release to plaintiff's counsel on the first Friday of each month all reasonably segregable, non-exempt information within those 1,400 documents. The parties must file a joint status report every 60 days, and the next joint status report is due June 18, 2018. Signed by Judge Amy Berman Jackson on 04/17/2018. (lcabj3) (Entered: 04/17/2018)
04/17/2018		Set/Reset Deadlines: Joint Status Report due by 6/18/2018. (tb) (Entered: 04/17/2018)
06/18/2018	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Shoaibi, Alexander) (Entered: 06/18/2018)
06/25/2018		MINUTE ORDER. The parties must submit a joint status report by September 7, 2018. Signed by Judge Amy Berman Jackson on 06/25/2018. (lcabj3) (Entered: 06/25/2018)
08/14/2018	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by William Mark Nebeker on behalf of U.S. DEPARTMENT OF COMMERCE Substituting for attorney Alexander Shoaibi (Nebeker, William) (Entered: 08/14/2018)
09/06/2018	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 09/06/2018)
09/10/2018		MINUTE ORDER. The parties must file an updated joint status report by September 25, 2018. Signed by Judge Amy Berman Jackson on 09/10/2018. (lcabj3) (Entered: 09/10/2018)
09/25/2018	<u>17</u>	Joint STATUS REPORT by STOP GEOENGINEERING MINNESOTA. (Gaffney, Brian) (Entered: 09/25/2018)
10/01/2018		MINUTE ORDER. The parties must file an updated status report by October 23, 2018. Signed by Judge Amy Berman Jackson on 10/01/2018. (lcabj3) (Entered: 10/01/2018)
10/23/2018	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 10/23/2018)
10/25/2018		MINUTE ORDER. The parties must file an updated joint status report by November 21, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/25/2018. (lcabj3) (Entered: 10/25/2018)
11/21/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 11/21/2018)

11/28/2018		MINUTE ORDER. The parties must file an updated status report by January 17, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 11/28/2018. (lcabj3) (Entered: 11/28/2018)
01/17/2019	<u>20</u>	STATUS REPORT by STOP GEOENGINEERING MINNESOTA. (Gaffney, Brian) (Entered: 01/17/2019)
01/18/2019		MINUTE ORDER. The parties must submit a joint status report by March 11, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 1/18/2019. (lcabj3) (Entered: 01/18/2019)
03/11/2019	<u>21</u>	Joint STATUS REPORT by STOP GEOENGINEERING MINNESOTA. (Gaffney, Brian) (Entered: 03/11/2019)
03/14/2019		MINUTE ORDER. The parties must submit an updated status report by March 21, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/14/2019. (lcabj3) (Entered: 03/14/2019)
03/21/2019	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE. (Nebeker, William) (Entered: 03/21/2019)
03/22/2019	<u>23</u>	ORDER. With the consent of the parties on March 22, 2019, it is ORDERED that this matter is referred to a United States Magistrate Judge for settlement purposes to commence on March 22, 2019 and to conclude on June 20, 2019. The Court has no objections to a process that accommodates plaintiff's counsel's request to participate by telephone or other remote means. It is FURTHER ORDERED that the parties must submit a report to this Court on the status of the mediation by June 20, 2019, and if the case settles, both parties shall immediately advise the Court of the settlement by filing a stipulation. SO ORDERED. Signed by Judge Amy Berman Jackson. (lcabj3) (jth). Modified on 3/22/2019 to add the main document (jth). (Entered: 03/22/2019)
03/22/2019		CASE RANDOMLY REFERRED to Magistrate Judge Deborah A. Robinson for settlement purposes. (zad) (Entered: 03/25/2019)
03/27/2019		MINUTE ORDER: Settlement Conference set for 5/16/2019 at 02:00 PM in Chambers before Magistrate Judge Deborah A. Robinson. Signed by Magistrate Judge Deborah A. Robinson on 3/27/2019. (lcdar3) (Entered: 03/27/2019)
04/03/2019	<u>24</u>	MOTION for Leave to Appear by Telephone by STOP GEOENGINEERING MINNESOTA (Gaffney, Brian) (Entered: 04/03/2019)
04/16/2019		MINUTE ORDER granting <u>24</u> Motion for Leave to Appear by Telephone. Signed by Magistrate Judge Deborah A. Robinson on 4/16/2019. (lcdar3) (Entered: 04/16/2019)